

## **Amendments to the Claims:**

This following listing of claims will replace all prior versions, and listings, of claims in the application.

## **Listing of Claims:**

1. (currently amended) A method for tracking the transmission of a digital file over the Internet comprising the steps of:

receiving packets constituting segments of the file in transit over the Internet;  
examining file headers in [[said]] the packets to determine the presence of specific identifying indicia therein;  
recording the Internet Protocol header source address for each of the packets containing [[said]] the specific identifying indicia;  
when the specific identifying indicia is determined to not be present, preventing recording of the Internet Protocol header source address for each of the packets of the file; and  
when the specific identifying indicia is determined to be present, sending the received packets unaltered to a next Internet leg in [[the]] a transmission path of the file.

2. (previously presented) The method of claim 1, including the additional step of recording the Internet Protocol header destination address for the file.

3. (currently amended) The method of claim 1, including the additional step of transmitting [[said]] the specific identifying indicia and [[said]] the source Internet address to a proprietor of the file.

4. (currently amended) The method of claim 1, including the additional step of transmitting [[said]] the specific identifying indicia and [[said]] the source Internet address to a remote site.

5. (currently amended) The method of claim 1, wherein [[said]] the examining step further includes:

searching ~~[[said]]~~ the file headers for TCP headers containing port numbers indicative of an email message;

searching each of ~~[[said]]~~ the packets, in which port numbers indicative of email messages were found, for an attachment; and

when ~~[[said]]~~ the attachment is found, locating the source Internet address in an IP header for the file containing the attachment.

6. (currently amended) The method of claim 1, wherein ~~[[said]]~~ the specific identifying indicia comprises a user-defined character sequence selected from the group consisting of:

an extension to an existing file format, prepended to the file;

a sequence of bits embedded in the file; and

an absence of code in a predefined area within the file.

7. (currently amended) A system for tracking an Internet transmission of a digital file ~~containing identifying indicia in a file header~~, the system comprising:

a server which receives the file;

~~a router which routes packets comprising the file unaltered to a next Internet leg in the transmission path of the file; and~~

a monitor, connected ~~between said~~ to the server ~~and said router~~, which processes packets constituting segments of the file;

wherein ~~[[said]]~~ the monitor is programmed to:

examine file headers in ~~[[said]]~~ the packets to determine the presence of ~~[[said]]~~ specific identifying indicia therein; ~~[[and]]~~

record the source Internet address for ~~[[said]]~~ the file for each of the packets containing ~~[[said]]~~ the specific identifying indicia; ~~and~~

when the specific identifying indicia is determined to not be present, prevent recording of the source Internet address for the file for each of the packets; and

a router, connected to the monitor, which when the specific identifying indicia is determined to be present in the file, routes packets comprising the file unaltered to a next Internet leg in a transmission path of the file.

8. (currently amended) The system of claim 7, wherein [[said]] the monitor is further programmed to:

search [[said]] the file headers for TCP headers containing port numbers indicative of email messages;

search each of [[said]] the packets, in which port numbers indicative of email messages were found, for an attachment; and

locate the source Internet address in an IP header for the file containing the attachment.

9. (currently amended) The system of claim 7, wherein [[said]] the specific identifying indicia comprises a user-defined character sequence selected from the group consisting of:

an extension to an existing file format, prepended to the file;

a sequence of bits embedded in the file; and

an absence of code in a predefined area within the file.

10. (currently amended) A system for tracking an Internet transmission of a digital file ~~containing identifying indicia in a file header, the system~~ comprising:

a modem which receives the file;

a server for processing the file;

a monitor, connected between [[said]] the modem and [[said]] the server, which processes packets constituting segments of the file; wherein [[said]] the monitor is programmed to:

examine file headers in [[said]] the packets to determine the presence of [[said]] specific identifying indicia therein; [[and]]

record the source Internet address for [[said]] the file for each of the packets containing [[said]] the specific identifying indicia; and

when the specific identifying indicia is determined to not be present, prevent recording of the Internet Protocol header source address for each of the packets of the file; and

when the specific identifying indicia is determined to be present, means for sending the received file unaltered to a next Internet leg in [[the]] a transmission path of the file.

11. (currently amended) A method for tracking the transmission of a digital file over the Internet comprising the steps of:

- receiving packets constituting segments of the file in transit over the Internet;
- examining file headers in ~~[[said]]~~ the packets to determine the presence of specific identifying indicia therein;
- recording, for each of the packets containing ~~[[said]]~~ the specific identifying indicia, the source Internet address for the file;
- when the specific identifying indicia is determined to not be present, preventing recording of the Internet Protocol header source address for each of the packets of the file; and
- when the specific identifying indicia is determined to be present, sending the received packets unaltered to a next Internet leg in ~~[[the]]~~ a transmission path of the file.

12. (currently amended) The method of claim 11, wherein ~~[[said]]~~ the examining step further includes:

- searching ~~[[said]]~~ the file headers for TCP headers containing port numbers indicative of email messages;
- searching each of ~~[[said]]~~ the packets, in which port numbers indicative of email messages were found, for a MIME header indicative of an attachment; and
- when ~~[[said]]~~ the MIME header indicative of an attachment is found:
  - searching a header directly prepended to the file to find ~~[[said]]~~ the specific identifying indicia therein, when ~~[[said]]~~ the MIME header is indicative of an attachment containing a type of ~~[[said]]~~ the file sought~~[[:]~~; and
  - locating the source Internet address in an IP header for the file containing the attachment, when ~~[[said]]~~ the specific identifying indicia is found.

13. (currently amended) The method of claim 11, wherein ~~[[said]]~~ the specific identifying indicia comprises a user-defined character sequence selected from the group consisting of:

- an extension to an existing file format, prepended to the file; a sequence of bits embedded in the file; and
- an absence of code in a predefined area within the file.

14. (currently amended) A method for tracking the transmission of a digital file over the Internet comprising the steps of:

placing specific identifying indicia in [[said]] the digital file;

using a data communications monitoring device to capture packets of information being transmitted via the Internet without alteration of the captured packets;

examining certain ones of [[said]] the packets to determine the presence of [[said]] the specific identifying indicia in [[said]] the file; [[and]]

recording the source and destination Internet addresses for each of the packets containing [[said]] the specific identifying indicia, and the identity of the file associated therewith;

when the specific identifying indicia is determined to not be present, prevent recording of the Internet Protocol header source address for each of the packets of the file; and

when the specific identifying indicia is determined to be present, sending the captured packets unaltered to a next Internet leg in a transmission path of the file.

15. (currently amended) The method of claim 14, wherein [[said]] the specific identifying indicia is prepended to [[said]] the header.

16. (currently amended) The method of claim 14, wherein [[said]] the specific identifying indicia is embedded in [[said]] the file.

17. (currently amended) A method for tracking the transmission of a digital file over the Internet comprising the steps of:

receiving packets constituting segments of the file in transit over the Internet; searching [[said]] the packets for TCP headers containing port numbers indicative of email messages;

searching each of [[said]] the packets, in which [[said]] the port numbers indicative of email messages were found, for a MIME header indicative of an attachment;

when [[said]] the MIME header indicative of an attachment is found:

searching a header directly prepended to the file to locate [[an]] specific identifying indicia therein, when [[said]] the MIME header is indicative of an attachment containing a type of [[said]] the file sought;

locating a source Internet address in an IP header for the file containing the attachment containing the type of ~~[[said]]~~ the file sought, when ~~[[said]]~~ the specific identifying indicia is located; and

recording, for each of the packets containing ~~[[said]]~~ the specific identifying indicia, the source Internet address for the file; ~~[[and]]~~

sending the received packets containing the specific identifying indicia unaltered to a next Internet leg in ~~[[the]]~~ a transmission path of the file; and

when the specific identifying indicia cannot be located, prevent recording of the source Internet address for the file.

18. (currently amended) The method of claim 17, including the additional step of transferring ~~[[said]]~~ the specific identifying indicia and ~~[[said]]~~ the source Internet address to a proprietor of the file.

19. (currently amended) The method of claim 18, including the additional step of transferring additional information in ~~[[said]]~~ the file to the proprietor of the file.

20. (currently amended) A system for tracking an Internet transmission of a digital file containing specific identifying indicia in a file header, wherein ~~[[said]]~~ the file comprises a plurality of packets constituting segments of the file, the system comprising:

a server for receiving the file;

~~a router for routing packets comprising the file unaltered to a next Internet leg in the transmission path of the file;~~

monitoring means, connected ~~between said~~ to the server ~~and said router~~, for examining file headers in ~~[[said]]~~ the packets to determine the presence of ~~[[said]]~~ the specific identifying indicia therein; ~~[[and]]~~

means for recording the source Internet address for ~~[[said]]~~ the file for each of the packets containing ~~[[said]]~~ the specific identifying indicia;

when the specific identifying indicia is determined to not be present, means for preventing recording of the source Internet address for the file for each of the packets; and

a router, connected to the monitoring means, for routing packets comprising the file unaltered to a next Internet leg in a transmission path of the file when the specific identifying indicia is determined to be present.

21. (currently amended) The system of claim 20, wherein [[said]] the monitoring means further comprises searching means for:

locating [[said]] the file headers for TCP headers containing port numbers indicative of email messages;

locating each of [[said]] the packets, in which port numbers indicative of email messages were found, for an attachment; and

locating the source Internet address in an IP header for the file containing the attachment.

22. (currently amended) A method for tracking the transmission of a digital file over the Internet comprising the steps of:

receiving packets constituting segments of the file in transit over the Internet;

searching [[said]] the packets for an MPEG Layer 3 header prepended to the file;

searching [[said]] the MPEG Layer 3 header for specific identifying indicia located therein, if [[said]] the MPEG Layer 3 header is located;

locating the source Internet address in an IP header for the file containing [[said]] the specific identifying indicia, if [[said]] the specific identifying indicia is located;

recording, for each of the packets containing [[said]] the specific identifying indicia, the source Internet address for the file;

when the specific identifying indicia cannot be located, preventing recording of the Internet Protocol header source address for each of the packets of the file; and

when the specific identifying indicia is located, sending the received packets unaltered to a next Internet leg in [[the]] a transmission path of the file.

23. (currently amended) The method of claim 22, wherein [[said]] the specific identifying indicia is located in a header having a field indicating that the frame size thereof is zero bytes in length.

24. (currently amended) The method of claim 22, wherein [[said]] the specific identifying indicia is located in a header having a frame size field indicating that there is no information field appended to the frame size field.

25. (currently amended) The method of claim 22, wherein [[said]] the specific identifying indicia comprises a user-defined character sequence located in the “frame ID” and “flags” fields of an ID3v2 frame header.

26. (currently amended) The method of claim 22, wherein [[said]] the specific identifying indicia comprises a user-defined character sequence selected from the group consisting of:

- an extension to an existing file format, prepended to the file;
- a sequence of bits embedded in the file; and
- an absence of code in a predefined area within the file.

27. (currently amended) A method for tracking the transmission of a digital file over the Internet by a first user to a second user comprising the steps of:

receiving from the first user packets constituting segments of the file in transit over the Internet;

examining file headers in [[said]] the packets to determine the presence of specific identifying indicia therein;

recording the Internet Protocol header source address for each of the packets containing [[said]] the specific identifying indicia;

when the specific identifying indicia is determined to not be present, preventing recording of the Internet Protocol header source address for each of the packets of the file;

when the specific identifying indicia is determined to be present, sending the received packets unaltered to a next Internet leg in [[the]] a transmission path of the file to the second user; and

transmitting [[said]] the specific identifying indicia and [[said]] the source Internet address to a third user.



28. (new) The method of claim 1 comprising:

When the specific identifying indicia is determined to not be present, sending the received packets unaltered to the next Internet leg in the transmission path of the file.

29. (new) The method of claim 1 wherein the file is at least one of an audio file, image file, video file, or application file.

30. (new) The method of claim 1 wherein the specific identifying indicia has been embedded into the file by a provider of the file.